

JUL. 26. 2004 12:18PM

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NO. 0526 P. 1

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	031896-29000
		Filing Date	March 4, 2004
		First Named Inventor	Micheal R. BOWMAN et al.
		Group Art Unit	3906
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	7	Attorney Docket Number	031896-29000

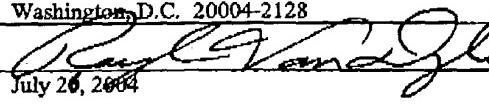
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> Affidavit(s)/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s): Application Data Sheet
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (740819-383) for the above identified docket number.		

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JUL 26 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Raymond Van Dyke, Reg. No.34,746 Nixon Peabody LLP 409 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	July 26, 2004

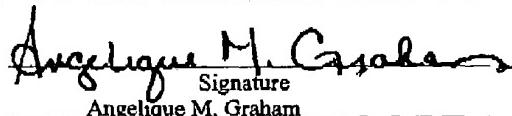
CERTIFICATE OF MAILING**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 703-872-9306

July 26, 2004

Date


 Signature
 Angelique M. Graham

FEE TRANSMITTAL FOR FY 2003

Patient fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$1,330.00

<i>Complete if Known</i>	
Application Number	031896-29000
Filing Date	March 4, 2004
First Named Inventor	Michael R. BOWMAN et al.
Confirmation No.	3906
Art Unit	1653
Attorney Docket No.	031896-29000

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number 19-2380 (031896-29000)

Deposit Account Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> -**-	<input type="text"/> 0	X <input type="text"/> \$	= <input type="text"/>
Independent Claims	<input type="text"/> -**-	<input type="text"/> 1	X <input type="text"/> \$	= <input type="text"/>
Multiple Dependent		X <input type="text"/> \$	- <input type="text"/>	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

** or number previously paid, if greater; For Reissues, see above

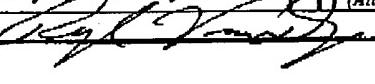
FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	\$1330.00
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$1330.00

Complete (if applicable)

Name (Print/Type)	Raymond Van Dyke	Registration No. (Attorney/Agent)	34,746	Telephone	(202) 585-8000
Signature				Date	July 26, 2004

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NO. 0526 P. 3

Docket No. 031896-029000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT application of:

Michael R. BOWMAN et al.

Application No.: 10/792,280

Filed: March 04, 2004

For: COMPOSITIONS AND METHODS FOR
DIAGNOSING AND TREATING
ASTHMA OR OTHER ALLERGIC
OR INFLAMMATORY DISEASES

)
Group Art Unit: 1653
) Examiner: To be Assigned
) Confirmation No.: 3906
)

JUL 26 2004

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CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 872-9306, on July 26, 2004.

Angelique M. Graham
Angelique Graham

PETITION, UNDER 37 C.F.R. 1.78(a)(6),
FOR THE ACCEPTANCE OF A LATE CLAIM
FOR PRIORITY, UNDER 35 U.S.C. § 119(e),
TO PROVISIONAL APPLICATION SERIAL NO. 60/451,396

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The Petitioner requests that the claim for priority, under 35 U.S.C. § 119(e), set forth in the attached copy of the Application Data Sheet, filed with the Response to Missing Parts of July 15, 2004, be accepted under the unintentional delay provisions of 37 C.F.R. 1.78(a)(6). In support of this request, the Petitioner states that the entire delay between the date the claim for priority was due under 37 C.F.R. 1.78(a)(5), i.e.,

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NO. 0526 P. 4

Application of 10/792,280
Docket No. 031896-029000
Page - 2 -

sixteen months from the filing date of March 4, 2003 for Provisional Application 60/451,396 - which was July 4, 2004; and the date of filing the instant Petition and the Application Data Sheet was unintentional.

In accordance with the provisions of 37 C.F.R. 1.78(a)(6), the surcharge fee of \$1330.00, set forth in 37 C.F.R. 1.17(t), should be charged to Deposit Account No. 19-2380. Further, any overage or shortage in the required payment, should be credited or applied to Deposit Account No. 19-2380.

Respectfully submitted,



Raymond Van Dyke
Registration No. 34,746

NIXON PEABODY, LLP
401 9th Street, NW, Suite 900
Washington, DC 20004-2128
(202) 585-8000
(202) 585-8080 facsimile

RVD/JWM

NVA301110.1

PAGE 4/7 * RCVD AT 7/26/2004 12:15:47 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/3 * DNI:8729306 * CSID:703 880 0669 * DURATION (mm:ss):02-06